

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                          |   |                        |
|--------------------------|---|------------------------|
| UNITED STATES OF AMERICA | ) | 8:07CR390              |
| Plaintiff,               | ) |                        |
| vs.                      | ) | <b>DETENTION ORDER</b> |
| JOSEPH GERMAIN KEYES,    | ) |                        |
| Defendant.               | ) |                        |

**A. Order For Detention**

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on December 6, 2007, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

**B. Statement Of Reasons For The Detention**

The Court orders the defendant's detention because it finds:

- By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.

**C. Finding Of Fact**

The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:

- (1) Nature and circumstances of the offense charged:
  - (a) The crime: possession of a firearm after having been convicted of a felony in violation of 18 U.S.C. § 922(g) carries a maximum sentence of ten years imprisonment.
  - (b) The offense is a crime of violence.
  - (c) The offense involves a narcotic drug.
  - (d) The offense involves a large amount of controlled substances, to wit:

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- (2) The weight of the evidence against the defendant is high.
- (3) The history and characteristics of the defendant including:
  - (a) General Factors:
    - The defendant appears to have a mental condition which may affect whether the defendant will appear.
    - The defendant has no family ties in the area.
    - The defendant has no steady employment.
    - The defendant has no substantial financial resources.
    - The defendant is not a long time resident of the community.
    - The defendant does not have any significant community ties.
  - Past conduct of the defendant:
    - The defendant has a history relating to drug abuse.
    - The defendant has a history relating to alcohol abuse.
    - The defendant has a significant prior criminal record.
    - The defendant has a prior record of failure to appear at court proceedings.
  - (b) At the time of the current arrest, the defendant was on:
    - Probation
    - Parole
    - Supervised Release

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## (c) Other Factors:

- The defendant is an illegal alien and is subject to deportation.
- The defendant is a legal alien and will be subject to deportation if convicted.
- The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.
- Other: \_\_\_\_\_

(4) The nature and seriousness of the danger posed by the defendant's release are as follows: the nature of the charges in the Indictment and the defendant's extensive criminal history:

**PRIOR RECORD:** The records of NCIC/NCIS, and the Nebraska Department of Motor Vehicles were accessed to compile the following criminal record of Joseph Germain Keyes, dob: 10/13/1979:

| <u>Date of Offense</u> | <u>Location</u> | <u>Charge</u>  | <u>Disposition</u>                      |
|------------------------|-----------------|--|---|
| 10/21/93               | Omaha, NE       | Burglary ( <b>Felony</b> )   | 07/18/94: Found                         |
| 10/21/93               | Omaha, NE       | Receive Stolen Property  | 07/18/94: Found                         |
| 01/24/95               | Omaha, NE       | Robbery ( <b>Felony</b> )  | 04/18/95: Found                         |
| 09/30/95               | Omaha, NE       | Missing Juvenile   | 10/03/95: Cancelled                     |
| 10/12/95               | Omaha, NE       | Unlawful Absence ( <b>Warrant</b> )  | 10/17/95: Located                       |
| 10/13/95               | Omaha, NE       | 1) Possession of Marijuana <1oz.<br>2) <b>Failure to Appear</b> (11/24/95) | 03/06/96: 1) \$100 fine<br>2) Dism/Pros |
| 01/22/97               | Omaha, NE       | Receive Stolen Property ( <b>Felony</b> )                                  | 07/30/97: 78 days jail                  |
| 08/16/97               | Omaha, NE       | Possession of Crack Cocaine ( <b>Felony</b> )                              | 12/08/97: Found                         |
| 09/08/97               | Omaha, NE       | Unlawful Absence ( <b>Warrant</b> )  | 03/06/96: Cancelled                     |

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|          |           |  |  |
|----------|-----------|--|--|
| 10/13/97 | Omaha, NE | 1) Obstruct<br>Administration of Law<br>2) Possession of<br>Marijuana <1oz | 10/14/97: 1) 1 day jail<br>2) \$100 fine |
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\*A bench warrant was issued on 12/04/97, which was returned on 04/06/98.

|          |           |                                      |                   |
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| 12/10/97 | Omaha, NE | Unlawful Absence<br><b>(Warrant)</b> | 04/06/98: Located |
|----------|-----------|--------------------------------------|-------------------|

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|----------|-----------|---|--|
| 04/03/98 | Omaha, NE | 1) False Information<br>2) Possession of<br>Marijuana <1oz<br>3) Littering<br>4) Failure to Use Turn<br>Signal<br>5) No Valid Operator's<br>License | 05/01/98: 1) 10 days jail<br>2) \$100 fine<br>3) 10 days jail<br>4) \$50 fine<br>5) 10 days jail |
|----------|-----------|---|--|

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| 06/20/98 | Omaha, NE | 1) Possession of<br>Marijuana <1oz<br>2) <b>Failure to Appear</b><br>(07/30/98) | 07/31/98: 1) \$100 fine<br>2) \$50 fine |
|----------|-----------|---|---|

\*A bench warrant was issued on 07/29/98, for failure to appear, which was cancelled on 7/31/98.  
A second bench warrant was issued on 08/05/98, which was returned on 09/24/98.

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|----------|-----------|---|--|
| 09/24/98 | Omaha, NE | 1) Shoplifting<br>2) <b>Failure to Appear</b><br>(10/30/98) | 10/30/98: 1) \$300 fine<br>2) \$100 fine |
|----------|-----------|---|--|

\*An arrest warrant was issued on 10/28/98, for failure to appear, which was cancelled on 10/30/98.  
A second warrant was issued on 11/03/98, which was returned on 12/14/98. A third bench warrant was issued on 02/18/99, for failure to pay fine, which was returned on 03/08/99.

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|----------|-----------|--|---|
| 12/12/98 | Omaha, NE | 1) False Information<br>2) Possession of<br>Marijuana <1oz<br>3) No Head/Tail Lights | 01/12/99: 1) \$50 fine<br>2) \$100 fine<br>3) \$25 fine |
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\*A bench warrant was issued on 02/01/99, for failure to pay fine, which was returned on 03/08/99.

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| 03/05/99 | Omaha, NE | False Information | 04/07/99: 3 days jail |
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| 04/04/99 | Omaha, NE | Assault - 3 <sup>rd</sup> Degree | 04/28/99: 12 months<br>probation; \$75 fine.<br>08/05/99: Unsatisfactory<br>release from probation. |
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\*An arrest warrant was issued on 03/30/99, for 3<sup>rd</sup> degree Assault, which was returned on 04/05/99.

|          |           |                                 |                      |
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| 04/04/99 | Omaha, NE | Possession of Marijuana<br><1oz | 04/28/99: \$100 fine |
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|          |           |   |  |
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| 04/04/99 | Omaha, NE | 1) Assault & Battery<br>2) Disturbing the Peace<br>(DV)   | 04/28/99: 1) Dism/Pros<br>04/05/99: 2) Not Sub Pros                    |
| 05/04/99 | Omaha, NE | 1) Possess Firearm by<br>Felon ( <b>Felony</b> )<br>2) Carrying a Concealed<br>Weapon<br>3) Possess Stolen Firearm            | 06/23/99: 1) 1 year jail<br>05/05/99: 2) Declined<br>3) Declined       |
| 01/22/00 | Omaha, NE | 1) False Information<br>2) Operator License -<br>Carry<br>3) No Head/Tail Lights<br><b>4) Failure to Appear</b><br>(02/26/00) | 03/31/00: 1) \$25 fine<br>2) \$25 fine<br>3) \$25 fine<br>4) \$25 fine |

\*A bench warrant was issued on 02/25/00, for failure to appear, which was returned on 03/09/00.

|          |           |                              |  |
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| 02/22/00 | Omaha, NE | Driving During<br>Suspension | 03/27/00: 1) 90 days<br>probation; \$100 fine. |
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\*A warrant was issued on 04/27/00, for failure to pay fine, which was returned on 05/25/00.

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| 03/11/00 | Omaha, NE | 1) Driving During<br>Suspension<br><b>2) Failure to Appear</b><br>(04/18/00) | 05/26/00: 1) 1 day jail; 1 year<br>probation.<br>2) 1 year probation<br>09/28/00: Unsatisfactory<br>release from probation;<br>sentenced to 30 days jail. |
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\*A bench warrant was issued on 04/17/00, for failure to appear, which was returned on 05/25/00.  
A second bench warrant was issued on 08/03/00, for failure to pay fine, which was returned on 08/09/00.

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| 03/21/00 | Omaha, NE | 1) Driving During<br>Suspension<br><b>2) Failure to Appear</b><br>(04/26/00) | 05/26/00: 1) 1 day jail; 1 year<br>probation.<br>2) 1 year probation<br>09/28/00: Unsatisfactory<br>release from probation;<br>Sentenced to 30 days jail. |
|----------|-----------|--|---|

\*A bench warrant was issued on 04/25/00, for failure to appear, which was returned on 05/25/00.  
A second bench warrant was issued on 08/03/00, for failure to pay fine, which was returned on 08/09/00.

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|----------|-----------|---|--|
| 04/13/00 | Omaha, NE | 1) Driving During<br>Suspension<br>2) Obstruct Traffic<br><b>3) Failure to Appear</b><br>(05/20/00) | 05/26/00: 1) 1 day jail; 1 year<br>probation.<br>2) Dism/Court<br>3) 1 year probation<br>09/28/00: Unsatisfactory<br>release from probation;<br>sentenced to 30 days jail. |
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## DETENTION ORDER - Page 5

\*A bench warrant was issued on 05/19/00, for failure to appear, which was returned on 05/25/00.  
 A second bench warrant was issued on 08/03/00, for failure to pay fine, which was returned on 08/09/00.

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|----------|-----------|---|---|
| 05/05/00 | Omaha, NE | 1) Possession of<br>Marijuana <1oz<br>2) Driving During<br>Suspension | 06/02/00: 1) \$100 fine<br>2) \$100 fine; 1 year license<br>suspension. |
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\*A bench warrant was issued on 07/03/00, for failure to pay fine, which was returned on 08/09/00.

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| 06/02/00 | Omaha, NE | 1) Possession of a<br>Controlled Substance<br><b>(Felony)</b><br>2) Possession of<br>Marijuana <1oz | 04/22/02: 1) 1 year jail<br>06/19/00: 2) Declined |
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| 08/08/00 | Omaha, NE | 1) Obstruct<br>Administration of Law<br>2) Disorderly Conduct<br>3) False Information | 08/09/00: 1) 3 days jail<br>2) 3 days jail<br>3) 3 days jail |
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| 11/30/00 | Omaha, NE | 1) Careless Driving<br>2) Driving During<br>Suspension<br>3) Possession of<br>Marijuana <1oz<br><b>4) Failure to Appear</b><br>(01/06/01) | 01/16/01: 1) Dism/Court<br>2) 10 days jail; license<br>suspension<br>3) \$100 fine<br>4) Dism/Court |
|----------|-----------|---|---|

\*A bench warrant was issued on 01/08/01, for failure to appear, which was returned on 01/16/01.

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| 12/20/00 | Omaha, NE | 1) Driving During<br>Suspension<br>2) No Head/Tail Lights<br><b>3) Failure to Appear</b><br>(01/23/01) | 01/24/01: 1) 15 days jail;<br>license suspension.<br>2) 15 days jail<br>3) 15 days jail |
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\*A bench warrant was issued on 01/22/01, for failure to appear, which was returned on 01/24/01.

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| 01/15/01 | Omaha, NE | Theft - Receive Stolen<br>Property over \$1500<br><b>(Felony)</b> | 04/22/02: 20 months jail |
|----------|-----------|---|--------------------------|

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| 04/18/01 | Omaha, NE | 1) Driving During<br>Suspension<br>2) Defective Vehicle<br>Muffler<br>3) No Proof of Ownership | 05/23/01: 1) 18 months<br>probation; \$200 fine<br>2) Dism/Court<br>3) Dism/Court<br>02/28/02: Order - Show<br>Cause hearing; sentenced to<br>30 days jail.<br>04/03/02: Satisfactory release<br>from probation. |
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## DETENTION ORDER - Page 6

\*A bench warrant was issued on 09/24/01, which was returned on 10/12/01.

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|----------|-----------|--|--|
| 07/06/01 | Omaha, NE | 1) Driving During Suspension<br>2) Possession of Marijuana <1oz<br>3) Violate Stop/Yield Sign<br><b>4) Failure to Appear</b><br>(10/04/01) | 10/15/01: 1) \$150 fine; 1 year license suspension.<br>2) \$100 fine<br>3) \$50 fine<br>4) \$50 fine |
|----------|-----------|--|--|

\*A bench warrant was issued on 10/05/01, for failure to appear, which was returned on 10/12/01.

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|----------|-----------|---|---|
| 07/08/01 | Omaha, NE | 1) Driving During Suspension<br>2) Noise Control<br>3) No Proof of Insurance<br><b>4) Failure to Appear</b><br>(10/09/01) | 10/15/01: 1) \$200 fine; 1 year license suspension.<br>2) \$25 fine<br>3) \$50 fine<br>4) \$50 fine |
|----------|-----------|---|---|

\*A bench warrant was issued on 10/10/01, for failure to appear, which was returned on 10/12/01.

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| 07/18/01 | Omaha, NE | 1) Possession of Marijuana <1oz<br><b>2) Failure to Appear</b><br>(08/21/01) | 10/15/01: 1) \$100 fine<br>2) \$100 fine |
|----------|-----------|--|--|

\*A bench warrant was issued on 08/20/01, for failure to appear, which was returned on 10/12/01.

|          |           |                               |                              |
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| 10/09/01 | Omaha, NE | <b>Locate Arson (Warrant)</b> | 10/18/01: Warrant cancelled. |
|----------|-----------|-------------------------------|------------------------------|

|          |           |                                  |                        |
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| 10/12/01 | Omaha, NE | Assault - 3 <sup>rd</sup> Degree | 10/15/01: 30 days jail |
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\*An arrest warrant was issued on 08/28/01, for 3<sup>rd</sup> degree Assault, which was returned on 10/12/01.

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| 01/11/02 | Omaha, NE | Driving During Revocation | 06/20/02: 30 days jail; 1 year license revocation |
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| 01/25/04 | Omaha, NE | Possession with Intent to Distribute Marijuana ( <b>Felony</b> ) | 01/26/04: Declined |
|----------|-----------|--|--------------------|

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| 05/09/04 | Omaha, NE | Driving During Suspension | 06/14/04: \$150 fine |
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\*A bench warrant was issued on 11/16/04, for failure to pay fine, which was returned on 11/27/04. A second bench warrant was issued on 12/10/04, which was returned on 01/16/05.

## DETENTION ORDER - Page 7

|          |           |   |   |
|----------|-----------|---|---|
| 01/16/05 | Omaha, NE | 1) Driving Under the Influence<br>2) Driving During Suspension<br>3) Drive Left of Center<br>4) Liquor - Open Container | 01/18/05: 1) 12 months probation; 16 hours community service; \$400 fine.<br>2) Dism/Court<br>3) Dism/Court<br>4) Dism/Court<br>01/12/06: Unsatisfactory release from probation; sentenced to 14 days jail. |
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| 03/27/05 | Omaha, NE | 1) Disobey Stop Lights<br>2) Driving During Suspension<br><b>3) Failure to Appear (05/04/05)</b> | 08/15/05: 1) Dism/Court<br>2) 1 months probation; \$125 fine.<br>3) Dism/Court |
|----------|-----------|--|--|

\*A bench warrant was issued on 05/03/05, for failure to appear, which was cancelled on 05/05/05.

|          |           |   |   |
|----------|-----------|---|---|
| 04/17/06 | Omaha, NE | 1) Driving During Suspension<br>2) Failure to Use Turn Signal | 05/23/06: 1) \$50 fine<br>2) Dism/Court |
|----------|-----------|---|---|

\*A warrant was issued on 06/12/06, for failure to pay fine, which was returned on 06/15/06.

|          |           |  |   |
|----------|-----------|--|---|
| 06/02/06 | Omaha, NE | 1) Careless Driving<br>2) Possession of Marijuana <1oz<br><b>3) Failure to Appear (07/14/06)</b> | 07/17/06: 1) \$25 fine<br>2) \$100 fine<br>3) \$25 fine |
|----------|-----------|--|---|

\*A bench warrant was issued on 07/17/06, which was cancelled on 07/17/06.

|          |           |  |  |
|----------|-----------|--|--|
| 06/15/06 | Omaha, NE | 1) Possession of Marijuana <1oz<br>2) Operator's License - Carry<br>3) Defective Vehicle Muffler | 07/19/06: 1) \$100 fine<br>2) Dism/Court<br>3) \$50 fine |
|----------|-----------|--|--|

\*A bench warrant was issued on 08/25/06, which was cancelled on 09/06/06. A second bench warrant was issued on 10/10/06, which was returned on 10/17/06.

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|----------|-----------|---|--|
| 08/18/06 | Omaha, NE | 1) Driving During Revocation<br>2) Excess Window Tinting<br>3) Possession of Marijuana <1oz<br><b>4) Failure to Appear (09/22/06)</b> | 12/27/06: 1) 4 months jail; 1 year license revocation.<br>2) Dism/Court<br>3) Dism/Court<br>4) 3 months jail |
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\*A bench warrant was issued on 09/22/06, for failure to appear, which was cancelled on 09/28/06. A second bench warrant was issued on 12/14/06, which was returned on 12/26/06.

## DETENTION ORDER - Page 8

|          |           |                           |  |
|----------|-----------|---------------------------|--|
| 09/06/06 | Omaha, NE | Driving During Revocation | 01/08/07: 90 days jail; 1 year license revocation. |
|----------|-----------|---------------------------|--|

\*A bench warrant was issued on 11/30/06, which was cancelled on 12/06/06.

|          |           |  |   |
|----------|-----------|--|---|
| 09/08/06 | Omaha, NE | 1) Possession of Marijuana <1oz<br>2) Improper Display Plates<br>3) Driving During Revocation<br><b>4) Failure to Appear</b><br>(12/01/06) | 01/10/07: 1) Dism/Court<br>2) Dism/Court<br>3) 90 days jail; 1 year license revocation<br>4) Dism/Court |
|----------|-----------|--|---|

\*A bench warrant was issued on 12/04/06, for failure to appear, which was cancelled on 12/06/06.

|          |           |  |   |
|----------|-----------|--|---|
| 09/19/06 | Omaha, NE | 1) Driving During Revocation<br>2) Possession of Marijuana <1oz<br><b>3) Failure to Appear</b><br>(11/29/06) | 01/03/07: 1) 90 days jail; 1 year license revocation.<br>2) Dism/Court<br>3) Dism/Court |
|----------|-----------|--|---|

\*A bench warrant was issued on 11/29/06, for failure to appear, which was cancelled on 12/06/06.

|          |           |  |  |
|----------|-----------|--|--|
| 09/24/06 | Omaha, NE | 1) Driving During Revocation<br>2) Possession of Marijuana <1oz<br>3) No Proof of Insurance<br><b>4) Failure to Appear</b> | 01/03/07: 1) 90 days jail<br>2) Dism/Court<br>3) Dism/Court<br>4) Dism/Court |
|----------|-----------|--|--|

\*A bench warrant was issued on 11/29/06, which was cancelled on 12/06/06.

|          |           |  |  |
|----------|-----------|--|--|
| 10/09/06 | Omaha, NE | 1) Possession of Marijuana <1oz<br><b>2) Failure to Appear</b><br>(11/15/06) | 01/03/07: 1) \$100 fine<br>2) Dism/Court |
|----------|-----------|--|--|

\*A bench warrant was issued on 11/15/06, which was cancelled on 12/06/06.

|          |           |   |   |
|----------|-----------|---|---|
| 10/17/06 | Omaha, NE | 1) Driving During Revocation<br>2) Unlawful Display Plates<br><b>3) Failure to Appear</b><br>(11/20/06) | 01/10/07: 1) 90 days jail; 1 year license revocation.<br>2) Dism/Court<br>3) Dism/Court |
|----------|-----------|---|---|

\*A bench warrant was issued on 11/20/06, which was cancelled on 12/06/06.

|          |           |   |  |
|----------|-----------|---|--|
| 10/24/06 | Omaha, NE | 1) Driving During Revocation<br><b>2) Failure to Appear</b><br>(11/28/06) | 01/08/07: 1) 90 days jail; 1 year license revocation.<br>2) Dism/Court |
|----------|-----------|---|--|

\*A bench warrant was issued on 11/28/06, for failure to appear, which was cancelled on 12/06/06.

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|          |           |  |  |
|----------|-----------|--|--|
| 12/11/06 | Omaha, NE | 1) Driving Under the Influence<br>2) Driving During Suspension<br>3) Possession of Marijuana <1oz  | 02/14/07: 1) 7 days jail; \$400 fine; 6 month license revocation.<br>2) Dism/Court<br>3) Dism/Court                                  |
| 08/11/07 | Omaha, NE | Driving During Suspension  | 08/11/07: Not Subject to Prosecution   |
| 10/10/07 | Omaha, NE | 1) Possess Firearm by Felon ( <b>Felony</b> )<br>2) Carrying a Concealed Weapon<br>3) Driving During Suspension<br>4) Liquor - Open Container<br>5) Possession of Marijuana <1oz | 10/22/07: 1) Bound over to District Court. **Instant Offense**<br>10/10/07: 2) Declined<br>3) Declined<br>4) Declined<br>5) Declined |

**D. Additional Directives**

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 6, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge